

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00160-FDW-DSC

E. RAY RAYNOR,

Plaintiff,

vs.

G4S SECURE SOLUTIONS (USA) INC., *et al.*,

Defendants.

ORDER

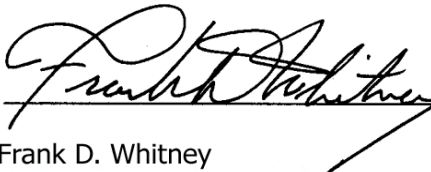
THIS MATTER is before the Court on Plaintiff's "Objection and Motion for Review or Reconsideration by the United States District Court of the Orders of the United States Magistrate Judge Filed 11/03/17 and the 'Minute Order' Entered 11/08/17" (Doc. No. 32). After a telephone conference on November 14, 2017, the Court granted in part and denied in part Plaintiff's Objection and deferred ruling on Plaintiff's objection to the insufficient knowledge of G4S Secure Solutions, Inc.'s designee under Federal Rule of Civil Procedure 30(b)(6).

The Court has reviewed the deposition of G4S by and through their designee Michael Lynn Nail and the Notice of 30(b)(6) Deposition of Representative, Michael A. Nail, for G4S. The Court finds Nail to be insufficiently prepared to answers questions on the matters noticed by Plaintiff. As admitted by Defendants, Nail was prepared to testify regarding the subjects as to the Charlotte Office, but not as to the Mid-Atlantic Region. (Doc. No. 33). Defendants contend this limitation was proper because Malcolm Burchett, Jr. already testified regarding the Mid-Atlantic Region and because any questions on a national scope are unreasonably broad. (Doc. No. 33). However, it is undisputed that Burchett testified in his personal capacity rather than as a Rule 30(b)(6) designee.

Recognizing that Plaintiff did not promptly seek an order to compel proper designation of a witness under Rule 30(b)(6), the Court will not stay the proceedings in this case to address the insufficiencies of the 30(b)(6) deposition of G4S Secure Solutions (USA), Inc. Instead, pursuant to Rule 30(d)(2), the Court will treat the testimony of Burchett to be in his personal capacity and as a Rule 30(b)(6) designee for purposes of the pending Motion for Summary Judgment (Doc. No. 27). The Court further orders Defendants to make a Rule 30(b)(6) designee promptly available to answer questions on the matters in the Notice but limited to the areas of Plaintiff's employment, Charlotte and Mid-Atlantic Region. Plaintiff shall have an additional 1 hour to conduct the deposition.

IT IS SO ORDERED.

Signed: November 29, 2017


Frank D. Whitney
Chief United States District Judge

